

Mr Alan Pridmore  
Floor 6  
Dept Consumer Policy  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA

3<sup>rd</sup> October 2008

Dear Mr Pridmore,

### **Ofcom Consultation on ADR and Complaints Handling Procedures**

IDRS Ltd is the operator of CISAS (the Communications and Internet Services Adjudication Scheme), which is one of the two ADR schemes currently approved by Ofcom for the industry. In making this response IDRS has consulted internally and with its panel of experienced adjudicators for the scheme.

In **Paragraphs 1.6 to 1.10** of the consultation document Ofcom set out a summary of its preferred proposals for improving consumer access to ADR, communication providers complaints handling procedures and record keeping. IDRS and the CISAS Panel of Adjudicators support those preferred proposals. We consider that if they are fully implemented by the industry it should, over time, improve response to complaints and lead to a reduction in the number that are referred to ADR

In respect of the consultation questions set out in Annex 4 of the consultation document IDRS has the following views (using the same numbering as in the consultation document):

**Question 1. Do you agree with the following definition of complaint, 'Complaint means an expression of dissatisfaction made to a communications provider related to its products or services, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected'.**

IDRS agrees with the definition. The definition is not only simple and widely recognised as appropriate but also one which most consumers already appear to act by.

**Question 2. Do you agree that a consumer should have the right to go to ADR (a) 8 weeks after a complaint is first received by a communications provider or (b) earlier if a communications provider has issued a deadlock letter.**

IDRS agrees with both elements of the proposal. The reduction of the current 12 week period to 8 weeks before a consumer has a right to go to ADR should improve the current situation whereby many consumers see the 12 weeks wait as an unnecessary obstacle that blocks access to resolution rather than as a necessary timeframe in which the company might effect a resolution of the complaint. This is particularly true for those consumers whose communications providers who do not currently have fully effective internal complaints handling procedures, especially in respect

of “first recognition and acknowledgement of the complaint”. In such circumstances, consumers become more frustrated with “the system” and therefore not only become less susceptible to agreeing a resolution with the communications provider but also lose some faith in the effectiveness of the ADR process and its independence. That sense of frustration should be alleviated if the proposal is adopted.

The CISAS adjudicators expressed the view that a communications provider should be able to provide a reasonable response to a complaint in, say, 4 weeks and that it should then be possible for ADR to be invoked by the consumer. We consider that, on balance, the proposed reduction should improve access to ADR sufficiently, taking due account of the “deadlock” procedure.

**Question 3. Do you agree with our preferred Option 4 that a communication provider should be required to give written notice about ADR (a) within 5 working days after the communication provider received the complaint, unless the complaint has been resolved at the first point of contact and (b) 8 weeks after the communication provider receives the complaint, earlier if the complaint is resolved or when the communication provider issues a deadlock notice.**

IDRS has consistently encouraged appropriate signposting to ADR and believes that increased signposting of ADR schemes would be very useful in helping consumers.

We are however cautious about the proposal for a written ADR notice to be given within 5 days of receipt of a complaint. It risks diminishing commitment by consumers to agreeing a resolution with the communications provider after “first contact” and may deflect consumers to the ADR scheme too early, only to be advised to return to their provider’s internal complaint handling system (thus creating frustration). If the proposal is to be implemented we believe that consideration should be given to agreeing a common form of wording for use by communications providers, designed to promote the desired awareness of the right to ADR in time without encouraging “premature recourse” to ADR. We fully agree that consumers must be told clearly about their right to use ADR when they become eligible to do so. At whatever point in time information about ADR is provided, written notice should be designed to ensure that the correct information is given accurately to the consumer every time.

The CISAS Panel of Adjudicators reported that they had seen many cases where consumers’ e-mails, letters or phone calls have not been responded to either at all or within a reasonable time because either the complaint has not been made in the ‘proper way’ (for example by letter rather than simply by phone call or email) or the communication providers contact details are not particularly clear to the consumer making a complaint. Complaints procedures may run more smoothly if communication providers were obliged to:

- Respond to complaints whether those complaints were made by letter, e-mail or phone.
- Clearly signpost where complaints should be addressed if they are made by letter, email or phone call.

**Question 4. Do you agree that the notice about ADR which communication providers should give must be:**

**(a) In writing, in a durable form, be in plain English, clearly written and concise.**

**(b) Include a reference for the complaint, include details of the ADR Scheme which the communication provider is a member of, including contact details.**

**(c) And summarise when the consumer has the right to go to the ADR Scheme and the**

***role of the ADR Scheme.***

IDRS agrees with all 3 elements to the question; see also the points made in answer to question 3 above. Providing the core information in a simple, easily understandable way in every written ADR notice could be crucial in establishing consistently good complaints handling policies by communications providers and reducing the confusion which many consumers experience when making a complaint or embarking upon ADR.

The CISAS adjudicators believe that it also could do much to prevent similar situations occurring to those where communication providers have refused to provide a hard copy of a contract or code of practice (which is normally on their web site or sometimes in the box in which the equipment was delivered) to a consumer although the consumer is unfamiliar with the internet or does not have access to the internet.

***Question 5. Do you have any comments on the criteria which we propose we will use in our future review approval of ADR Schemes?***

IDRS agrees that the criteria are relevant and appropriate.

***Question 6. Do you agree that communication providers should be required to comply with a single Ofcom approved Complaints Code of Practice which sets out high level mandatory standards for complaints handling?***

IDRS agrees with the proposal. We acknowledge that setting a high standard of customer service and, particularly, performing in compliance with that standard, are frequently considered by communications providers, and other businesses, as creating competitive advantage but, that said, establishing a common core of minimum standards of behaviour makes eminent sense. Too frequently the panel of adjudicators has noted cases where complaints were not being acknowledged, deadlock procedures not being followed and information about ADR not being provided in an appropriate manner. The proposed mandatory standards would help address these problems. The consistency of approach thus being established would also help consumers, particularly if they move from one communication provider to another, to understand what they are entitled to.

***Question 7. Do you agree that communication providers should be required to keep a log of all complaints? We could require communication providers to log complaints when they are first received and as they are handled. These records must include as a minimum for each complaint a log setting out:***

- (a) Details of the complainant, including their names and address***
- (b) The date on which the complaint is first received***
- (c) A description of the complaint***
- (d) And a description of how the communication provider deals with the complaint.***

We agree with this proposal because accurate recording is fundamental to establishing and accounting for the timeline. It should considerably reduce the debate which many communications providers seek to have with the CISAS staff as to the validity of an ADR application that is based on expiry of the allowable time period for resolution.

The CISAS adjudicators consider that an accurate record of the dates and information within an accurate and comprehensive log, which is written at the time of the events described, are usually very important when a complaint reaches adjudication in confirming one or other party's


recollection of events.

**Question 8. Do you agree that three months from publication of the Statement for this Review is a reasonable period to implement the changes proposed in this consultation document.**

Yes.

IDRS Ltd is content for all of this response to be placed in the public domain.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Allan Connarty', with a horizontal line underneath it.

Allan Connarty  
Managing Director